

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADADate of filing in State Engineer's Office FEB 19 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed FEB 19 2002

The applicant **Gary and Terri Tompkins Family Trust** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **underground**
2. The amount of water applied for is **1.114 cfs (500 gpm) – see Remarks** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **commercial and fire protection**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks") **commercial and fire protection**
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **within the NW¼ SW¼ of Section 2, T.35N., R.37E., MDB&M or at a point from which the SW corner of said Section 2 bears S 42°47'00" W 1716.0 feet.**
6. Place of Use **6.60 acres lying within the NW¼ SW¼; NE¼ SW¼; and SW¼ SW¼ of Section 2, T.35N., R.37E., MDB&M**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **drilled well, water distribution system**
9. Estimated cost of works **in excess of \$10,000**
10. Estimated time required to construct works **1 year**
11. Estimated time required to complete the application of water to beneficial use **3 years**

12. Remarks: Applicant is required by the building department to have a source of water capable of producing 500 gpm in order to satisfy the fire code. Applicant is proposing to allow the Winnemucca Rural Fire District access to the well for their fire protection needs. Actual consumptive use will be approximately 4 acre feet per year to provide water to the office, shop, landscaping, and dust control.

Desert Mountain Surveying as agent
By John H. Milton III, PLS, SWRS
By s/John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Compared cmf/ cam lb/ cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.114 cubic feet per second, or 4.22 acre-feet per year.

Work must be prosecuted with reasonable diligence and be completed on or before:

August 12, 2004

Proof of completion of work shall be filed on or before:

September 12, 2004

Water must be placed to beneficial use on or before:

August 12, 2006

Proof of the application of water to beneficial use shall be filed on or before:

September 12, 2006

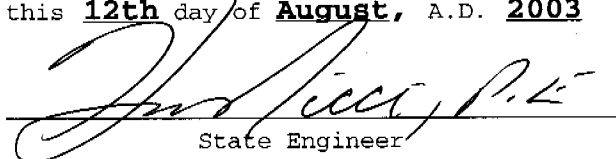
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 12th day of August, A.D. 2003


State Engineer

Completion of work filed OCT 14 2004

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____